



## FAIR POLITICAL PRACTICES COMMISSION

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Date: November 25, 2003

To: Chairman Randolph and Commissioners Blair, Downey, Karlan and Knox

From: Mark Krausse, Executive Director

### EXECUTIVE DIRECTOR'S REPORT

This is a summary of administrative activity and other matters since the report sent to you prior to the October Commission meeting. With the full complement of commissioners now in place, the 2004 Commission meetings have been set for the following dates:

Wednesday, January 14, 2004

Tuesday, February 10, 2004

Monday, March 15, 2004

Thursday, April 8, 2004

Thursday, May 13, 2004

Thursday, June 10, 2004

No July meeting

Thursday, August 5, 2004

Thursday, September 2, 2004

Thursday, October 7, 2004

Thursday, November 4, 2004

Thursday, December 2, 2004

These dates have been confirmed, and we anticipate no need to reschedule any of them.

#### A. BUDGET AND PERSONNEL

The Commission has submitted all materials requested by the Department of Finance in the regular course of developing a 2004-05 state budget. We will learn of our proposed funding level by January 10, 2004.

The Legal Division has recruited volunteer Student Legal Assistant from McGeorge School of Law to begin in January.

In recent weeks, the Technical Assistance Division has conducted SEI filers' seminars for the Department of Food & Agriculture, Fairs & Expositions Division, and for the LA Unified School District (2 days). Additionally, they conducted an outreach for the Butte County Schools.

On November 6, 2003, the Legal Division was involved in two presentations to former Governor Davis' staff on revolving door issues. We estimate that over 100 individuals attended in person or via phone. Scott Tocher and John Wallace were the presenters. A third presentation was provided on November 13, 2003 to members of the Business and Transportation Agency. Ken Glick was the presenter. Evaluations were very positive.

The Legal Division also coordinated a presentation by Ted Prim of the Attorney General's office on the Public Records Act. The presentation to agency staff was held on November 20, 2003. The Legal Division is also working with the League of California Cities on presentations for a statewide conference to be held in February 2004 on conflict-of-interest issues.

The Public Education Unit finished drafting a brochure that encourages the public to participate in FPPC Interested Persons meetings and the public comment process. The unit is working on the December 2003 issue of the FPPC Bulletin, and continues to research planning suggestions for the 2004 Council On Governmental Ethics Laws (COGEL) annual meeting in San Francisco.

#### C. APPROVAL OF CONFLICT OF INTEREST CODES/AMENDMENTS

Since the last Commission meeting, the agency has approved the following codes/amendments:

Department of Consumer Affairs  
Department of Industrial Relations  
Dublin San Ramon Services District  
North Central Counties Consortium  
School and College Legal Services of California, JPA  
State Water Project Contractors Authority  
Consumer Power and Conservation Financing Authority (State of California)

#### D. FINDINGS OF PROBABLE CAUSE

Pursuant to regulation 18361, I have found evidence in the following cases sufficient to lead a person of ordinary caution and prudence to believe or entertain a strong suspicion that the following respondents committed or caused a violation of the Political Reform Act. **This finding of probable cause does not constitute a finding that a violation has actually occurred. The respondents are presumed to be innocent of any violation of the Act unless a violation is proved in a subsequent proceeding.**

**Webb Homes, FPPC No. 02/991.** On September 26, 2003, probable cause was found to believe that Respondent, a general building contractor partnership in the City of Chico, made a \$1,000 contribution to a member of the Chico Planning Commission while the Respondent was a party to a proceeding before the Chico Planning Commission, in violation of Government Code Section 84308(d) (1 count). Additionally, Respondent failed to disclose that contribution on the record of the proceeding before the Chico Planning Commission, in violation of Government Code Section 84308(d) (1 count).

**Ritchie Construction, Inc., FPPC No. 02/992.** On September 26, 2003, probable cause was found to believe that Respondent, a general building contractor in the City of Chico, doing business as Ritchie Homes, made a \$600 contribution to a member of the Chico Planning Commission while the Respondent was a party to a proceeding before the Chico Planning Commission, in violation of Government Code Section 84308(d) (1 count). Additionally, Respondent failed to disclose that contribution on the record of the proceeding before the Chico Planning Commission, in violation of Government Code Section 84308(d) (1 count).

**John Morris, FPPC Case No. 02/539.** On October 3, 2003, probable cause was found to believe that Respondent, a member of the California World Trade Commission, failed to timely file a 2001 annual statement of economic interests, in violation of Government Code section 87300 (1 count).

**Mark Jacobson, FPPC Case No. 02/419.** On October 3, 2003, probable cause was found to believe that Respondent, a member of the Board of Directors for the Conejo Recreation and Park District and the Conejo Open Space Conservation Authority for Ventura County, failed to file two 2001 annual statements of economic interests, in violation of Government Code section 87300 (2 counts).

**Rafael Torres, FPPC Case No. 02/455.** On October 10, 2003, probable cause was found to believe that Respondent, a member of the Planning Commission for the City of Guadalupe, failed to timely file an assuming office statement of economic interests, in violation of Government Code section 87202 (1 count), and failed to timely file annual statements of economic interests for the years 2001 and 2002, in violation of Government Code section 87203 (2 counts).

**Naresh Kamboj, FPPC Case No. 02/547.** On October 28, 2003, probable cause was found to believe that Respondent, a member of the California Commission on Aging, failed to file a 2001 annual statement of economic interests and failed to file a leaving office statement of economic interests, in violation of Government Code Section 87300 (2 counts).

**Thomas Campbell, FPPC No. 02/462.** On October 28, 2003, probable cause was found to believe that Respondent, a member of the Solana Beach City Council and Mayor of Solana Beach, failed to timely file a 2001 annual statement of economic interests, in violation of Government Code Section 87203 (1 count).

**Wallace Bill Moore, FPPC No. 01/628.** On October 29, 2003, probable cause was found to believe that Respondent, a member of the Board of Dental Examiners, failed to timely file an assuming office statement of economic interests, in violation of Government Code Section 87300 (1 count). Additionally, Respondent failed to timely file annual statements of economic interests for the years 2000, 2001 and 2002, in violation of Government Code Section 87300 (3 counts).

**Paul Glaab, FPPC No. 02-545.** On November 7, 2003, probable cause was found to believe that Respondent, a member of the California Earthquake Authority, failed to timely file a 2001 annual statement of economic interests and a leaving office statement of economic interests, in violation of Government Code Section 87300 (2 counts).

**David Wager, FPPC No. 02-689.** On November 7, 2003, probable cause was found to believe that Respondent, a member of the planning commission for the County of Merced, failed to timely file a 2001 annual statement of economic interests, in violation of Government Code Section 87203.

**Melodee Brewington, FPPC No. 02/556.** On November 17, 2003, probable cause was found to believe that Respondent, a Trustee for the Junction Elementary School District in Siskiyou County, failed to timely file a 2001 annual statement of economic interests, in violation of Government Code Section 87300.

**Harry J. Pappas, FPPC 02/723.** On November 17, 2003, probable cause was found to believe that respondent, the owner of Pappas Telecasting, Inc. and its affiliates, located in Visalia, failed to disclose five late contributions in properly filed late contribution reports, in violation of Section 84203, subdivision (a) (5 counts) and failed to file a semi-annual campaign statement electronically, in violation of section 84605, subdivision (a) (1 count).

**Gus Warren, FPPC No. 02/588.** On November 19, 2003, probable cause was found to believe that respondent, a member of the Board of Directors for the Monterey Park Tract Community Services District in Stanislaus County, failed to file a 2001 annual statement of economic interests and failed to file a leaving office statement of economic interests, in violation of Government Code Section 87300 (2 counts).

#### **E. REQUESTS FOR EXTENSION OF COMMITTEE TERMINATION**

Pursuant to regulation 18404.1, campaign committees facing termination by December 31, 2002, who desire an extension of that deadline must submit a request to the Executive Director by December 1, 2002. Since my last report to the Commission, I have responded to the following requests:

**Aghazarian for Assembly. Third request for extension granted.** Committee has

raised \$26,700 in the last six months to be put towards its outstanding debt.

**Friends of Brad Sherman.** **Third request for extension granted.** Candidate has received \$65,000 in the last 6 months, and has discharged \$57,000 of debt.

**Nakanishi for Assembly.** **Third request for extension granted.** Committee has paid \$28,500 towards its outstanding debt, and has an additional \$14,000 to disburse towards its \$66,500 debt.

**Nakanishi for Senate.** **Third request for extension granted.** Committee has an additional \$12,500 to disburse towards their \$68,000 debt.

**Team Noel 1998.** **Third request for extension granted.** Candidate has received additional contribution pledges and is evaluating possible litigation.

**Neighbors For Rogers.** **Third request for extension granted.** Candidate has deposited \$13,000 to its campaign account and is making significant progress toward retiring its debt.

**Russ Bogh for Assembly 2000, #983414.** **First request for extension granted.** Candidate has paid \$34,300 of its outstanding debt and continues to work towards paying off more of their debt and negotiate for possible forgiveness of debt on some of their loans.